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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC., a Cayman Island
corporation; STEVE VACHANI, an individual;
18 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

19 Defendants.
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Case No. 5:08-cv-05780 JW

**DECLARATION OF MONTE COOPER
IN SUPPORT OF STIPULATION AND
[PROPOSED] ORDER ENLARGING
TIME PURSUANT TO CIVIL LOCAL
RULE 6-2**

Dept: Hon. James Ware
Judge: 15, 18th Floor

1 I, Monte Cooper, hereby declare and state as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 **A. The Reasons For The Parties' Mutual Request For Enlargement Of Time**

7 1. On February 16, 2012, this Court ordered the parties to submit, by March 2, 2012,
8 supplemental briefing on two topics related to the Court's order granting Facebook's Motions for
9 Summary Judgment. Dkt. No. 276. The two topics subject to supplemental briefing concern the
10 amount of damages to which Facebook is entitled, and Defendant Steve Vachani's individual
11 liability. *Id.* at 19.

12 2. Meanwhile, on February 24, 2012, Magistrate Judge Spero resolved three pending
13 discovery motions in Facebook's favor. Dkt. No. 279. As part of his discovery ruling, Magistrate
14 Judge ordered defendant Power Ventures to appear on Wednesday, February 29, 2012, for a
15 further deposition pursuant to Fed.R.Civ.P. 30(b)(6). *Id.*

16 3. Facebook deposed Power on March 7, 2012. The parties agree that the
17 information obtained at the Rule 30(b)(6) deposition should be used as part of the supplemental
18 briefing ordered by the Court. However, a final transcript is not yet available, and other
19 discovery issues also remain outstanding.

20 4. The parties jointly agree that in order to ensure that all of the other discovery that
21 Magistrate Judge Spero ordered be produced by Defendants is available for use with the
22 supplemental briefing ordered by this Court, the March 9 deadline should be extended an
23 additional two weeks. The brief extension should enable the parties to jointly resolve any
24 remaining issues, and provide more detailed supplemental briefs. Facebook and the Defendants
25 each therefore join in a Stipulated request to change the current deadline for filing supplemental
26 briefs to March 23, 2012.

27 **B. Previous Time Modifications**

28 5. This case schedule has been modified ten times, the most recent of which was by

stipulation of the parties.

6. The original Case Scheduling Order was filed December 12, 2008. The initial Case Management Conference in this case was scheduled for April 15, 2009. Subsequently, the Court rescheduled the Case Management Conference for April 17, 2009. Thereafter, the parties stipulated, and the Court ordered, to extend to the initial Case Management Conference to 45 days after the Court's ruling on the pending motion to dismiss. The Court subsequently rescheduled the Case Management Conference for January 29, 2010. The Court then rescheduled the Case Management Conference for August 20, 2010. The Case Management Conference was again rescheduled for August 23, 2010. Thereafter, the Court reset the Conference to August 24, 2010. On August, 19, 2010, the Court modified the original scheduling order. Subsequently on July 14, 2011, the Court modified the original scheduling. On September 9, 2011 the Court again modified the original scheduling order and issued the current scheduling order in this case. On March 1, 2012, the Court granted the parties a one-week extension to permit Facebook to depose Power and to file supplemental briefing pursuant to this Court's February 16, 2012, Order Granting Facebook's Motions for Summary Judgment.

C. Effect Of Requested Modification

7. The requested time modification will not have any effect on other deadlines in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 8th day of March 2012 at Menlo Park, California.

By: /s/ Monte Cooper /s/
MONTE COOPER